

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

March 20, 2015

The Honorable Edmund Brown, Jr.
Governor of California
State Capitol, Suite 1173
Sacramento, CA 95814

RE: Underground Injection Control program in violation of Safe Drinking Water Act

Dear Governor Brown,

We are deeply concerned by recent revelations that the State has permitted oil and gas injection wells to operate in aquifers that should be protected under federal law as actual or potential underground sources of drinking water (USDWs) in clear violation of applicable law, regulation and agreement. Allowing these wells to dispose of oil and gas waste waters or inject fluids for enhanced oil recovery (EOR) into these "non-exempt" aquifers directly contravenes the Safe Drinking Water Act (SDWA) and its purposes. The US EPA developed the Underground Injection Control (UIC) program to implement the SDWA and delegated primary enforcement responsibility for oil and gas injection (class II) wells to the state. The state must act to enforce the SDWA. We respectfully urge you to close all illegal class II UIC wells that are injecting into these high quality aquifers until all appropriate aquifer exemptions have been issued by the US EPA and investigations of groundwater contamination from these wells are complete.

In a February 6, 2015 letter to the US EPA, the Division of Oil, Gas and Geothermal Resources (DOGGR) disclosed that approximately 2,500 injection wells (2,000 of which are still active) were permitted to inject into protected sources of drinking water. Approximately 20% (532) of these wells are oil and gas wastewater disposal wells and about 2,000 are for EOR. This is far from a handful of wells. All of these wells injected into and, in most cases, continue to inject into aquifers that meet the federal definition of a USDW. Injection into a USDW is prohibited, unless an exemption is granted based on the criteria in 40 CFR Sec 146.4 of the SDWA.

On March 10 of this year, the Senate Committees on Natural Resources and Water and Environmental Quality held a joint hearing, entitled "Ensuring Groundwater Protection: Is the Underground Injection Control Program Working?" Testimony at the hearing in conjunction with a recent report by CalEPA revealed that California's UIC program is broken and the state's groundwater resources are not being adequately protected. There have been decades of poor data management, lax and effectively incompetent oversight and implementation of UIC permitting and egregious administrative confusion by DOGGR and the US EPA. The net result of these and other factors is that wells improperly received permits that do not comply with the law, regulation and agreement.

Compounding the original flawed decision-making and skewed priorities that created this situation in the first place, DOGGR plans to allow injections into these wells to continue while groundwater contamination is under investigation. For example, ongoing injection into the highest priority non-exempt aquifers is planned to continue until October 2015 and will continue until December 2016 in the remaining aquifers (per the US EPA's request in their March 9, 2015 letter). Although the State's proposal contains important measures to bring the UIC program into compliance, the decision to allow thousands of injection wells to continue pumping potentially hazardous fluids into protected aquifers is

reckless. This shows a lack of long term planning and concern for the state's water future. Thankfully we do not yet have evidence that any drinking water wells have been contaminated, but the investigation is far from complete. According to the Water Boards' testimony at the recent hearing, once contamination has occurred in an aquifer it can only be contained, not undone. The only appropriate precautionary approach is to cease injection now, limit the scope of the problem, and protect our current and future water supply.

The shutdown of 23 injection wells since July 2014 is a step in the right direction. However, this alone is insufficient. In fact, the permanent shutdown of these wells illustrates the risks the state is running by not shutting down all of the 2500 wells now.

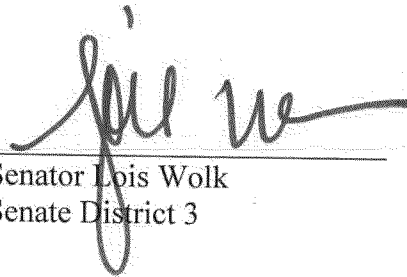
DOGGR has described a process for granting new aquifer exemptions. This includes close cooperation with the Water Boards and public comment prior to any submittal for exemption to the US EPA. This process must occur, however, prior to permitting any injection into an aquifer that meets the federal definition of a USDW. Allowing injections to continue into protected groundwater prior to an aquifer exemption being approved is unacceptable.

We respectfully ask that immediate steps are taken to stop illegal injection into non-exempt aquifers until all proper review of aquifers has been conducted and all appropriate exemptions have been granted. The State should not wait until sources of drinking or irrigation water are polluted especially given the dire situation that has been created by the current drought.

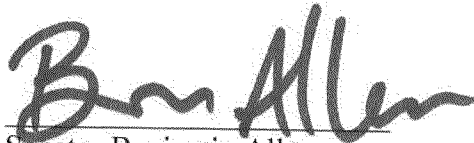
Sincerely,



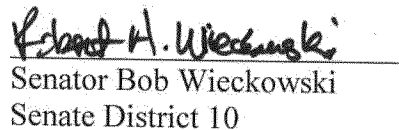
Senator Fran Pavley
Senate District 27



Senator Lois Wolk
Senate District 3



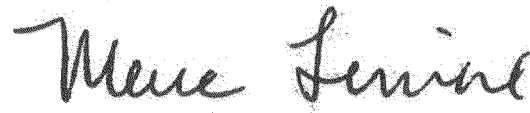
Senator Benjamin Allen
Senate District 26



Senator Bob Wieckowski
Senate District 10



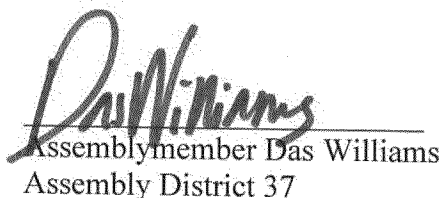
Senator Hanna-Beth Jackson
Senate District 19



Assemblymember Marc Levine
Assembly District 10



Senator Mark Leno
Senate District 11



Assemblymember Das Williams
Assembly District 37